

App. No. 09/788,329
Amendment Dated: October 27, 2004
Reply to Office Action of August 16, 2004

REMARKS/ARGUMENTS

Claims 1-19 remain in this application for review. Claims 1, 4, 13 and 15 have been currently amended as more fully set forth above. Claims 4 and 13 have been amended to remedy minor typographical errors. No new matter has been added.

I. Rejection of Claims 13 and 15-19 Under 35 U.S.C. 112, Second Paragraph

Claims 13 and 15-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Regarding claim 13, the Office Action indicates that there is no clear antecedent basis for the limitation "the received response." As suggesting in the Office Action, claim 13 has been amended to depend from claim 12. With regard to claims 15-19, the Office Action indicated that these claims could be interpreted in several contradictory ways because the functional language of those claims does not specify a means that is performing the function. Applicants have made the appropriate amendments as set forth above to remedy the concerns under 35 U.S.C. 112, second paragraph.

II. Rejection of Claim 1 Under 35 U.S.C. 101

Claim 1 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Office Action propounds that the claimed method comprises a series of steps that are not implemented on a computing device, and are subsequently not technologically embodied. Claim 1 has been amended as set forth above to alleviate any concerns under 35 U.S.C. 101.

III. Rejection of Claims 1-19 Under 35 U.S.C. 103 (a)

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,669 issued to Meuronen et al. ("Meuronen"), and further in view of U.S. Patent No. 6,212,550 issued to Segur ("Segur"). Applicants respectfully disagree with the rejection. There is no suggestion in either of the references that they may be combined in the manner suggested. Meuronen teaches a routing system for short messages. Segur teaches a method and

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system for formatting messages. A person of ordinary skill in the art concerned with the problems associated with routing short messages would hardly be disposed on any objective basis to consider a reference like Segur. Segur is not even remotely concerned with routing short messages as exhibited by Meuronen.

Moreover, even if, for argument purposes, the references could be combined in the manner suggested, the combination would still fail to teach all the limitations of the claims. Claim 1 specifically recites a method, which includes the step of "associating the message with a provider." (Emphasis added). Claim 1 also recites "informing an application associated with the provider that the message is waiting." Contrary to the contentions set forth in the Office Action, neither Meuronen nor Segur teach or otherwise suggest at least these limitations.

Meuronen does not teach "associating the message with a provider" as propounded in the Office Action. Meuronen teaches that a user inserts an identifier into the message. (Col. 2, lines 7-16). A database search is performed using the identifier. (Col. 2, lines 16-20). The message is then sent to an address indicated by routing information obtained from matching the identifier to an address. (Col. 2, lines 15-23). Meuronen simply does not teach "associating the message with a provider." (Emphasis added). Meuronen teaches that an identifier must be inserted into a message and then the identifier must be matched to routing instructions before the message is sent.

Regarding Segur, Segur does not teach, "informing an application associated with the provider that the message is waiting" as propounded in the Office Action. Segur teaches that "[a] controller and processor converts the stored message from a first communication format to a second communication format used by a subscriber requesting access to his messages." (Col. 1, lines 61-65). (Emphasis added). Segur also teaches as follow:

The process starts, step 170, by the server receiving a retrieval query from the subscriber unit, at step 172. The server analyzes a header associated with each of the selected messages to determine a sender ID. The server then sends a summary of the stored messages (plurality of stored messages), including the number of the plurality of stored messages and an indicator of the sender to the client at step 174.

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(Col. 3, lines 35-43). (Emphasis added). Here, Segur teaches that the user must send a query to obtain his or her messages. Stated another way, the user must instigate the recovery of messages without ever knowing if messages are waiting. Segur does not teach informing an application associated with a provider that the message is waiting. Accordingly, claim 1 is allowable under 35 U.S.C. 103(a).

Regarding claim 2, claim 2 recites that step of "waiting for the application to request the message." Segur does not teach this limitation as stated in the Office Action. Segur teaches that the user selects certain messages to review. (Col. 3, lines 53-55). (Emphasis added). Furthermore, claim 2 depends from claim 1. Claim 1 is clearly allowable as set forth above, and as such, claim 2 is also allowable for at least those reasons set forth above in support for claim 1.

Claims 3-6 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Meuronen and Segur as applied to the claims above, and further in view of U.S. Patent No. 5,828,847 issued to Gehr et al. ("Gehr"). As set forth hereinabove, the references cannot be combined in the manner suggested. Also, the rejection depends from the rejection of claims 1 and 2, which are traversed as set forth above. Furthermore, Gehr does not teach the limitations as propounded in the Office Action. Claim 3 of the present invention recites the step of "determining if the prioritized provider is associated with the message." Claim 4 states that the "provider has a unique priority level." Claim 5 recites the steps of "receiving a response from the prioritized provider indicating if the prioritized provider is associated with the message" and "associating the message with the prioritized provider if the received response indicates that the prioritized provider is associated with the message." Claims 6 recites the step of "storing the message in a location associated with the prioritized provider." Contrary to the statements in the Office Action, these limitations are not taught or otherwise suggested by Gehr

Gehr teaches maintaining a list of primary servers for a client and a preferred communication method. (Col. 2, lines 56-58) Gehr also teaches a hierarchy of successive alternate servers and communication method pairs. (Col. 2, lines 57-61). Gehr continues by teaching that in the event that the client does not have requests served by the designated primary server or the designated communication method, the client communication interface traverses the list to ascertain the identity of the first available alternative server-communication method pair.

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(Col. 2, lines 61-65). As is evident from the language of claims 3-6, Gehr simply does not teach the limitations of claims 3-6 in any manner. Also, the proposed combination of references is not proper. Accordingly, the above-stated 35 U.S.C. 103(a) rejection should be withdrawn.

Claims 7-9 were rejected under 35 U.S.C 103(a) as being unpatentable over Meuronen and Segur as applied to the claims above, and further in view of U.S. Patent No. 6,560,456 issued to Lohtia et al. ("Lohtia"). Claims 10-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen, Segur, and Lohtia as applied to the claims above, and further in view of Gehr. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen as applied to the claims above, and further in view of U.S. Patent No. 5,457,680 issued to Kamm et al. ("Kamm"). Claim 15 was rejected under 35 U.S. C. 103(a) as being unpatentable over Meuronen and Kamm as applied to the claims above, and further in view of Segur. Claims 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen, Kamm, and Segur as applied to the claims above, and further in view of Gehr.

Applicants assert that the references may not be combined in the manner suggested by the Examiner and that the references fail to teach all the limitations of the claims. Furthermore, the rejections rely on Meuronen, Segur and Gehr. As more fully set forth above, Meuronen, Segur and Gehr do not teach the limitations suggested in the Office Action nor are they combinable in the manner provided. Accordingly, applicants assert that the above-stated 35 U.S.C 103(a) rejections are in error.

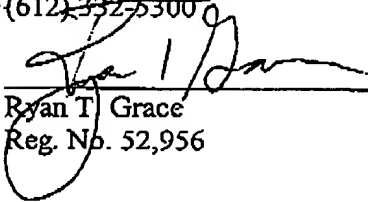
In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Respectfully submitted,

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